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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/781,016  | 02/18/2004  | Michael Hoermann     | 298-228             | 2841             |
| 28249   | 7590        | 04/06/2007           | EXAMINER            |                  |
| DILWORTH & BARRESE, LLP<br>333 EARLE OVINGTON BLVD.<br>SUITE 702<br>UNIONDALE, NY 11553 |             |                      | PUROL, DAVID M      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3634                |                  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 04/06/2007 | PAPER         |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/781,016             | HOERMANN, MICHAEL   |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | David M. Purol         | 3634                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 2/18/04 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02182004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

1. The preliminary amendment filed on February 18, 2004 has been entered.
2. The drawings are objected to because the lines are rough, blurred, and the reference numerals are of a poor quality.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The specification is objected to because of the following informalities:

On page 1, end of the first paragraph recites "path<sup>1</sup>" and includes a footnote which is improper.

On page 5, line 4 of the first paragraph recites "[projecting]<sup>2</sup>" and includes a footnote which is improper

Correction is required.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

These claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not known the structure of the actuators 38,40 which allows for a separate quick release of the drive and which operator together with a corresponding switch for quick release. The depiction as set forth in Figure 1 of the actuators 38,40 warrant a further structural description.

5. Claims 1-20 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

These claims are narrative in form setting forth functional or operational language for which there is insufficient structural recitation to warrant its presence, contain numerous grammatical/idiomatic errors, and are replete with language for which its intended meaning is not understood. For example: claim 1, line 2 "a predetermined track", line 3 "and possibly one or more intermediate stop positions", line 4 "the assumption of", line 5 "the output signals" for which there is no antecedent basis, line 6 "the power supply" for which there is no antecedent basis, lines 6-7 "the limit switches or reference point switches" for which there is no antecedent basis, line 8 "which simulate", line 9 "as well as", line 10 "are combined to form a single constructional unit"; claim 2, lines 2-3 "through a rough adjustment as well as a fine adjustment"; claim 3, line 3 "which is in turn"; claim 4, lines 1-2 "the rough adjustment" for which there is no antecedent basis, line 2 "is provided by", line 2 "molded on to the", line 3 "the housing" for which there is no antecedent basis; claim 5, line 2 "in that wheels to effect fine adjustment may be resiliently", line 3 "the housing" for which there is no antecedent basis, lines 4-5 "they are able to be rotated in response to pressure", line 6 "are able to be

moved along", line 6 "the corresponding cam wheel" for which there is no antecedent basis, line 7 "into the operational or frictionally engaged position to effect fine adjustment"; claims 9 and 10 suffer from the defects as noted in claim 5; claim 6, lines 1-2 "in that one pair of wheels each is provided for"; claim 7, line 1 "in that multiple cam wheels may be provided", lines 2-3 "in a side-by-side arrangement"; claim 8, line 2 "in that additionally", line 3 "the housing" for which there is no antecedent basis; claims 11 and 12 each at line 1 "one pair of wheels" for which there is no antecedent basis and line 2 "is provided for"; claims 13-17 each at lines 1-2 "multiple cam wheels" for which there is no antecedent basis and line 2 "may be provided in a side-by-side arrangement"; claims 18-20 at line 1 "in that additionally" and line 2 "an actuator for quick release".

The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-8, 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Astle. Astle discloses a control system comprising rotating cams 42,44,45 and switches 51-54 mounted in a housing 36.

7. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Gatland et al, Hsieh, Gioia et al, Scheib et al, Whitaker et al, Folger, Suzuki et al, Ziegler, Fox et al, Ginte.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Pete Cuomo, can be reached at (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DAVID M PUROL  
Primary Examiner  
Art Unit 3634